


1. The R&R (Doc. 52) is **NOT ADOPTED**.
2. The Motion to Dismiss Plaintiff's Amended Complaint filed by Defendants Shane Scanlon, Thomas J. Davis, Vincent R. Butkiewicz and Lackawanna County (Doc. 37) is **GRANTED IN PART AND DENIED** in part as follows:
 - a. The motion is **GRANTED** to the extent that Defendant Lackawanna County is dismissed without prejudice and with leave to amend;

b. The motion is **DENIED** as to all other Defendants and in all other respects.

3. Defendant Gomez's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to F.R.C.P. 12(b)(6) (Doc. 38) is **DENIED**.
4. Plaintiff is granted sixty (60) days from the date of this Order to inform the Court whether she wishes the Court to appoint counsel or she wishes to proceed *pro se*.
5. After the filing of the election regarding counsel, the Court will establish the time within which Plaintiff will be allowed to file a second amended complaint.
6. The case is **REMANDED** to Magistrate Judge Mehalchick for further proceedings consistent with this Order and the simultaneously filed Memorandum.



Robert D. Mariani
United States District Judge